

THE LAW OFFICE OF FREDERICK M. OBERLANDER, P.C.

28 SYCAMORE LANE (BOX 1870)
MONTAUK, NEW YORK 11954

212.826.0357 TEL
212.202.7624 FAX
FRED55@AOL.COM

By Hand

July 1, 2014

Hon. Frank Maas, U.S.M.J.
Southern District of New York
500 Pearl Street
New York, New York

re: 10-CV-3959 *Kriss v. Bayrock*

Dear Judge Maas:

As indicated in our correspondence of June 30, 2014, in compliance with your honor's order ECF 68 we have undertaken to segregate into category "binders" documents that were relied upon in preparation of the FAC.

As noted, one category, Binder 5, consists of documents that were prepared for and then submitted into prior litigation in Delaware, documents which were filed publicly there (both by us ***and*** by Bayrock) and ever since have been in the public domain with not one objection by either side and not one objection for protective order or seal. Please be assured, as noted in our correspondence, we very much ***did*** rely on those documents rather than "reinvent the wheel," and we ***did*** use them as points of departure. In short, they ***are*** public sources we relied on, exactly as defined in the order, though again in the chart we disclosed a level of additional detail for the origin of some of the information behind the allegations tied to these even further beyond that. And none of them came from Bernstein, also as noted.

And since, as noted, Binder 5, at least, raises no issues of privilege or work product, we have no reason to request in camera review, so transmitted it yesterday via email and also transmit this courtesy copy manually.

Accordingly, we submit the first Binder now, as the remaining ones near completion.

Respectfully submitted,

/s/

Frederick M. Oberlander

Of counsel: Richard E. Lerner

cc: (via email and without the enclosures)
Walter Saurack, Esq.
Nader Mobargha, Esq.
Robert Wolf, Esq.